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PCT/JP2003/007185

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5023-001PCT	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/007185	International filing date (*day/month/year*) 06 June 2003 (06.06.2003)	Priority date (*day/month/year*) 06 June 2002 (06.06.2002)
International Patent Classification (IPC) or national classification and IPC C08F 2/00, C08J 3/12, C09J 9/02, 201/00, C09C 3/06, H01B 5/02		
Applicant SONY CHEMICALS CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06 October 2003 (06.10.2003)	Date of completion of this report 25 March 2004 (25.03.2004)
Name and mailing address of the IPEA/JP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP2003/007185

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 03/07185

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4-8, 13-17	YES
	Claims	1-3, 9-12	NO
Inventive step (IS)	Claims	4-8, 13-17	YES
	Claims	1-3, 9-12	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

Claims 1-3 and 9-12

Document 1 (JP 2000-53710 A (Minnesota Mining and Manufacturing Co.), 22 February 2000) and document 2 (JP 6-1854 A (Nippon Zeon Co., Ltd.), 11 January 1994), cited in the international search report, disclose the use of an acrylic monomer as the monomer in a process whereby a treatment liquid containing a monomer is pressed through a porous membrane to form liquid droplets in an aqueous phase, and said liquid droplets are polymerized to obtain resin particles. The inventions set forth in claims 10-12 are not substantially different from the aforementioned inventions disclosed in documents 1 and 2, and are thus not novel. The inventions set forth in claims 1-3 and 9, which relate to resin particles obtained an aforementioned production process also do not differ substantially from the aforementioned inventions disclosed in documents 1 and 2 and are, therefore, also not novel.

(It should be noted that in the written reply the applicant asserts that "the properties of the resin particles, and especially compressive deformation, vary considerably depending upon the type and inclusion rate of the monomer(s) used and other production conditions, etc.". However since claims 10-12 do not delimit the

aforementioned conditions, the assertion by the applicant cannot be accepted since it is not relevant to the scope of the claims.)

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

In the written reply the applicant asserts that "the properties of the resin particles, and especially compressive deformation, vary considerably depending upon the nature and inclusion rate of the monomer(s) used and other production conditions, etc.". However, the description only states that "Resin particles having a maximum compressive deformation of 60% or more are obtained … through a porous membrane." (page 5, lines 11-13), and even when the examples of the invention and the comparative examples are considered, nowhere does the description clearly state that it might be possible to change the aforementioned maximum compressive deformation by controlling the type and inclusion rate of the monomers used and/or other production conditions in some way.

Therefore, it is not recognized that the production conditions such that "the maximum compressive deformation is 60% or more, and the load required to produce a compressive deformation of 60% is 60 mN or less" are set forth in the description to the extent that this can be achieved by a person skilled in the art.